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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------|-------------|----------------------|---------------------|------------------|
| 10/631,181 | 07/31/2003 | Vincent R. Koscr | 11446.10 | 1439 |
| 26884 | 7590 | 10/29/2007 | | |
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| DAYTON, OH 45479-0001 | | | | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 4127 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 10/29/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/631,181

Applicant(s)

KOSER ET AL.

Examiner

Rodney M. Henry

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. The following is a non-final, first office action on the merits. Claims 1-22, as originally filed, are currently pending and have been considered below.

Claim Objections

2. Claim 20 is objected to because of the following informalities: "local promotional" in the 5th paragraph is missing the word "server". In reviewing the claim it was inserted for clarity. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 20, 21, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Ortiz et al (US 7,209,733).**

Regarding claim 20 Ortiz discloses a customer interface device comprising: a processor; a customer identification device (Figs 5-12 discloses the CPU (central processor unit) 78 and several components of the customer identification device (input/output device 74, the credit manager 85, credit database 81, coupon database 82, and coupon manager 83 are all components of the customer identification device);
a display for displaying a message alerting a customer to a promotion earned by

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the customer (Figs. 5-12 shows the promotion details flow from the Input/Output device 74 to IR/RF device 68, or through local wireless network 71, to the hand held device 72, Col 13 lines 8-15 discloses that CPU 78 can be instructed to generate and transmit the promotion to hand held device 72); and

wireless local area network communication circuitry for communicating with a local promotional server (Figs. 5-12 discloses local wireless LAN 71);

wherein the processor receives customer identification information from the customer identification device, receives purchased item information from a point-of-sale terminal, sends the customer identification information and the purchased item information to the local promotional server over a wireless local area network, receives discount parameters from the local promotional server over the wireless local area network, displays a message to the customer informing the customer that the customer is to receive the promotion, and sends a discount transaction based upon the discount parameters to the point-of-sale terminal. (Fig. 5 CPU 78 compares the price of scanned products/items based on product data stored in product database 84 with the discounted price associated with user provided coupon data (customer interface device). If a matching product is identified in product database 84, CPU 78 subtracts the discounted price from scanned product price. When scanning is complete, CPU provides a total price, which includes coupon discounts and displays this total price at display 76 for the user to view. The input/output device 74, the credit manager 85, credit database 81, coupon database 82, and coupon manager 83 are all components of the customer identification device).

Regarding claim 21 Ortiz et al. further discloses the processor communicates with the point-of-sale terminal as a bar code reader. (Col 12, lines 40-45 discloses that bar code scanners can be used in place of scanner 86 (part of the POS terminal) in Fig. 5, and scanner 86 is in communication with CPU 78).

Regarding claim 22 Ortiz et al. discloses a method of delivering a promotion comprising the steps of:

collecting and storing information about a customer (Col 13 lines 1-10 discloses components of the customer identification device stores identification information such that the flagging operation ensures that the user can only utilize the coupon data for a single purchase transaction);

receiving customer identification information from a customer identification device (Col 5 lines 35-40 discloses a credit manager 85 which functions as a component of the customer identification device. It manages the user's credit data from the credit database, and a determining module for identifying a matching association between credit data accessed from the credit database);

receiving purchased item information from a point-of- sale terminal (Figs 5-12 discloses the PDA receiving information from the input/output device of the POS terminal);

sending the customer identification information and the purchased item information to a local promotional over a wireless local area network (Col 12, lines 30-35 discloses the local promotional server as input/output unit 74 which send details of

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the promotion from the coupon database to the user, Fig 5. shows the wireless connections via 71 and 68);

determining a promotion based upon the information about the customer by the local promotional server (Fig 5, Col 12 lines 55-65 discloses that the customer is alerted of the promotion via CPU 78 which is coupled to device 74, which make up the local promotional server);

wirelessly receiving discount parameters associated with the promotion from the local promotional server over the wireless local area network (Fig 5. shows the wireless connections via 71 and 68);

displaying a message to the customer informing the customer that the customer is to receive the promotion (Figs. 5-12 shows the promotion details flow from the Input/Output device 74 to IR/RF device 68, or through local wireless network 71, to the hand held device 72, Col 13 lines 8-15 discloses that CPU 78 can be instructed to generate and transmit the promotion to hand held device 72); and

sending a discount transaction based upon the discount parameters to the point-of-sale terminal. (Fig 5, Col 12 lines 55-65 discloses the details of the promotion appear as bar code data to the point-of-sale computer).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4,6-9,12-14,16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ortiz et al (US 7,209,733), in view of Chatani (US 6,792,292).

Regarding claim 1 Ortiz et al. discloses a system for executing promotions comprising:

a. a point-of-sale computer at a checkout counter for processing purchase of items (Figs. 5-8 show CPU 78, which is part of a computer at the checkout counter);

c. a local promotional server wirelessly connected to the customer interface device for sending the details of the promotion to the customer interface display device (Col 12, lines 30-35 discloses the local promotional server as input/output unit 74, CPU 78, display 76, and scanner 86, which send details of the promotion from the coupon database to the user. Fig 5. shows the wireless connections via 71 and 68).

However, Ortiz et al. fails to explicitly disclose

b. a customer interface device at the checkout counter for alerting a customer to the existence of a promotion and for transferring details of the promotion to the point-of-sale computer.

Chatani teaches in Col 3 lines 15-45, and Col 4 lines 30-40 a customer interface device at the checkout counter for alerting a customer of a promotion (a discount) and for transferring details of the promotion to the point-of-sale computer. This makes the customer interface device a very convenient and cost savings device.

It would have been obvious to one having ordinary skill in the art at the time the

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invention was made to provide the customer interface device of Ortiz et al with the promotion alerting mechanism of the customer interface device as taught by Chatani in order to provide the customer with convenience and further opportunities to save money.

Regarding claim 2 Ortiz et al. discloses a central promotional server for sending the details of the promotion to the local promotional server, wherein the local promotional server and the central promotional server are connected by a global network (Fig. 19, Col 20 lines 10-15 discloses that network 143 is a remote promotional server which send the promotion details as it receives it from coupon source 162 to the POS local server 140. FIG. 28 Col 23, lines 35-45 discloses the global wireless network).

Regarding claim 3 Ortiz et al. discloses a method of delivering a promotion comprising the steps of:

collecting and storing information about a customer (Fig 8 discloses credit manager 85 and credit database 81 operate as "collection and storage" devices);

generating a promotion based upon the information about the customer (Fig 13 and Col 17 lines 52-62 discloses third-party provider 156 can also provide credit information to the retail establishment or other enterprise associated with POS 140 through network 160, thereby enabling credit manager 164 to maintain and handle transactions involving hand held device 132 and point of sale 138. The user of hand held device must, of course, have previously registered to receive such credits from

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third-party provider 156 either directly or with third-party provider 156 or indirectly through transaction broker 148);

determining that the customer is purchasing items at a checkout counter (Col 14 lines 60-68 discloses that associations are made between scanned items and credit or point information accessed from credit database 81). This step indicates that the customer is at the checkout counter;

wirelessly delivering details of the promotion to a customer interface device at the checkout counter (Figs. 5-12 show the promotion details flow from the Input/Output device 74 to IR/RF device 68, or through local wireless network 71, to the hand held device 72);

displaying a message to the customer informing the customer that the customer is to receive the promotion (Col 13 lines 8-15 discloses that CPU 78 can be instructed to generate and transmit the promotion to hand held device 72);

executing the promotion by the point-of-sale computer (Col 13 lines 1-10 discloses the flagging operation which ensures that the user can only utilize the coupon data for a single purchase transaction).

However, Ortiz et al. fails to explicitly disclose sending the details of the promotion to a point-of-sale computer at the checkout counters, including sending the details as bar code data.

Chatani teaches in Col 3 lines 15-45, and Col 4 lines 25-40 the details being sent to the point-of-sale computer at the checkout counter, including sending the details as

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bar code data. This makes the customer interface device a very convenient and cost savings device.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the customer interface device of Ortiz et al with the promotion alerting mechanism of the customer interface device as taught by Chatani in order to provide the customer with convenience and further opportunities to save money.

Regarding claim 4 Ortiz et al. discloses a system for executing promotions comprising:

a point-of-sale computer at a checkout counter for processing purchase of items (Figs. 5-8 show CPU 78, which is part of a computer at the checkout counter);

a customer identification device at the checkout counter (Col 5 lines 35-40 discloses a credit manager 85 which functions as a component of the customer identification device. It manages the user's credit data from the credit database, and a determining module for identifying a matching association between credit data accessed from the credit database and at least one item and/or service that is scanned/selected at the point of sale);

a customer interface device at the checkout counter, including a display (Col 10 lines 15-20 discloses that the coupon data can then be stored and/or displayed within a display area of hand held device 40; and

a local promotional server for wirelessly sending details of a promotion to the

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customer interface device (Col 12, lines 30-35 discloses, a component of the local promotional server, input/output unit 74, which send details of the promotion from the coupon database to the user. Fig 5. shows the wireless connections via 71 and 68). However, Ortiz et al. fails to explicitly disclose the customer interface device displaying a message informing a customer that the customer is to receive the promotion and transferring the details of the promotion to the point-of-sale computer for processing by the point-of- sale computer.

Chatani teaches in Col 3 lines 15-45, and Col 4 lines 30-40 a customer interface device at the checkout counter for displaying a message informing a customer of a promotion (a discount) and transferring details of the promotion to the point-of-sale computer. This makes the customer interface device a very convenient and cost savings device.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the customer interface device of Ortiz et al with the alerting mechanism of the customer interface device as taught by Chatani in order to provide the customer with convenience and further opportunities to save money.

Regarding claims 6 Ortiz et al. discloses means for the local promotional server communicating with the customer interface device over a wireless local area network (Figs. 5-12 discloses the promotion details flow from the Input/Output device 74 to IR/RF device 68, or through wireless local area network 71, to the hand held device 72)

Regarding claim 7 Ortiz et al. discloses a central promotional server for sending the details of the promotion to the local promotional server, wherein the local

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promotional server and the central promotional server are connected by a global network (Fig. 19, Col 20 lines 10 discloses that network 143 is a remote promotional server which send the promotion details as it receives it from coupon source 162 to the POS local server 140. FIG. 28 Col 23, lines 35-45 discloses the global wireless network).

Regarding claim 8 Ortiz et al. discloses the local promotional server stores identification information for loyalty program members, receives customer identification information from the customer identification device, and determines that the customer has earned the promotion. (Col 13 lines 1-10 discloses coupon database 82 stores identification information such that the flagging operation ensures that the user can only utilize the coupon data for a single purchase transaction).

Regarding claim 9 Ortiz et al. discloses the customer identification device includes a card reader. (Figs. 35-37 discloses the smart card connection to the PDA through a cartridge or other hardware interface such as a card reader to allow coupon data to be transferred from the smart card to the PDA).

Regarding claim 12 Ortiz et al. discloses the customer identification device includes a card reader. (Figs. 35-37 discloses the smart card connection to the PDA through a cartridge or other hardware interface such as a card reader to allow coupon data to be transferred from the smart card to the PDA).

Regarding claim 13 Ortiz et al. discloses the customer identification device is coupled to the customer interface device. (Figs. 5-12 discloses that the input/output device 74, the credit manager 85, credit database 81, coupon database 82, and coupon

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manager 83, all components of the customer identification device, are coupled to the handheld (customer interface device 72).

Regarding claim 14 Ortiz et al. discloses the local promotional server stores first identification information for first loyalty program members, receives customer identification information from the customer identification device, attempts to verify that the customer is a member of a customer loyalty program by comparing received identification information to the first customer identification information (Figs. 5-12 discloses that the input/output device 74, the credit manager 85, credit database 81, coupon database 82, and coupon manager 83 are all components of the customer identification device. Col 5 lines 35-50 discloses a credit manager 85 which functions as a customer identification device. It manages the user's first identification credit information from the credit database, and a determining module for identifying a matching association between credit information accessed from the credit database).

Regarding claim 16 Ortiz et al. discloses the point-of-sale computer sends item identification information associated with the items to the customer interface device, wherein the customer interface device sends the item identification information to the local promotional server, wherein the local promotional server determines that the item identification information triggers a discount based upon the details of the promotion and sends discount parameters to the customer interface device, and wherein the customer interface device sends a discount transaction to the point-of-sale terminal. (Fig. 5 discloses that CPU 78 compares the price of scanned products/items based on product data stored in product database 84 with the discounted price associated with

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user provided coupon data (customer interface device). If a matching product is identified in product database 84, CPU 78 subtracts the discounted price from scanned product price. When scanning is complete, CPU provides a total price, which includes coupon discounts and displays this total price at display 76 for the user to view.

Thereafter, new coupon data can be retrieved from coupon database 82 by CPU 78 and transmitted to hand held device 71 through input/output unit 74. The input/output device 74, the credit manager 85, credit database 81, coupon database 82, and coupon manager 83 are all components of the customer identification device).

Regarding claim 17 Ortiz et al discloses the customer interface device sends the discount transaction to the point-of-sale terminal in bar code data format (Col 10 lines 15-25, discloses the coupon bar code data can be stored or displayed in the display area of the handheld device 40).

7. Claims 5, 10, 11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ortiz et al (US 7,209,733), in view of Chatani (US 6,792,292), as applied to claim 4 above, and further in view of Deaton (US 6,292,786).

Regarding claim 5 The Ortiz et al. and Chatani combination discloses the claimed invention. However Ortiz et al. and Chatani combination fails to explicitly disclose the customer interface device further comprising a printer for printing the details of the promotion.

Deaton teaches in Col 6 lines 35-40 a printer for printing the details of the promotion as a convenience to the customer.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the customer interface device of Ortiz et al. and Chatani combination with the printer as taught by Deaton in order to provide the customer with the additional option of a paper version of the promotion.

Regarding claim 10 The Ortiz et al. and Chatani combination discloses the claimed invention. However the Ortiz et al. and Chatani combination fails to explicitly disclose the customer identification device includes a card reader.

Deaton teaches in Col 8, lines 40-41 and Fig. 4B that card reader 140 of the customer identification device, kiosk 47 is used to identify a customer.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the customer identification device of Ortiz et al. and Chatani combination with the card reader as taught by Deaton in order to provide an additional means of identifying customers.

Regarding claim 11 The Ortiz et al. and Chatani combination discloses the claimed invention. However the Ortiz et al. and Chatani combination fails to explicitly disclose the customer identification device includes a keyboard.

Deaton teaches in Col 8, lines 20-27 and Fig. 4B that keyboard 146 of the customer identification device allows customers to provide information to kiosk 47.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the customer identification device of Ortiz et al. and Chatani combination with the keyboard as taught by Deaton in order to provide

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customers with the choice of providing information to the customer identification device using the keyboard instead of the PDA.

Regarding claim 18 The Ortiz et al. and Chatani combination discloses the claimed invention. However the Ortiz et al. and Chatani combination fails to explicitly disclose the customer interface device displays advertisements.

Deaton teaches in Col 5 lines 1-5 discloses incentive controller 44 may provide a written notification of a future product discount or advertising message, to customers at points of sale to add a further layer of incentive to the customer.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the method of promotions of Ortiz et al. and Chatani combination with the advertising message as taught by Deaton in order to provide customers with another opportunity to learn of present and future promotions via advertisements.

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ortiz et al (US 7,209,733), in view of Chatani (US 6,792,292), as applied to claim 4 above, and further in view of Deaton (US 5,687,322).

Regarding claims 15 Ortiz et al. and Chatani combination invention discloses the elements of the claimed invention. However the Ortiz et al. and Chatani combination fails to explicitly disclose the central promotional server stores second identification information for second loyalty program members, and wherein the local promotional server compares the received identification information to the second customer

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identification information if the received identification information cannot be found in the first customer identification information.

Deaton teaches, Col 83 lines 25-74, Fig. 25 discloses the steps to follow to obtain information for second loyalty program members information if first customer identification can not be found. (If no account number from payment medium or shopping card: 61 Clerk obtains customer's phone number. 62 If no phone number obtained, GOTO 122 63 Clerk enters phone number into AP/M which is sent to the controller. Controller builds a CASH account key based on phone number and accesses this record. GOTO 67. 64 A customer database resides on the mass storage device of the CVC controller. This database is keyed on an account number and contains shopping history based on past visits to the store. Controller searches customer database for account's record. 65 If account is not found: 66 Account is added to customer database. 67 A secondary database resides on the mass storage device of the CVC controller. Controller searches secondary database for account's record. 68 If account has record(s) in secondary database: 69 History from customer database and secondary database are merged).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the first identification method of Ortiz et al. and Chatani combination with the second identification method as taught by Deaton in order to develop a more comprehensive method for tracking customers.

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9. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ortiz et al (US 7,209,733), in view of Chatani (US 6,792,292), as applied to claim 4 above, and further in view of Von Kohorn (US 5,687,322).

Regarding claims 19 Ortiz et al. and Chatani combination discloses the elements of the claimed invention. However the Ortiz et al. and Chatani combination fails to explicitly disclose the customer interface device completes a sweepstakes registration process.

Von Kohorn teaches, Col 2 lines 29-35 discloses the sweepstake prizes to customers along with coupons as a means of adding to the interest and involvement of shoppers standing in a checkout counter line. The cost-free opportunity to win a monetary prize attracts shoppers to stores.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the convenience of coupons via the customer interface device of Ortiz et al. and Chatani combination with the sweepstakes incentive marketing method as taught by Von Kohorn in order to attract even more shoppers to stores.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

Dixon, III et al. (US 6,328,339) discloses a system, method and apparatus for coupon processing and booklet.

Lemon et al. (US 4,674,041) discloses a method and apparatus for controlling the distribution of coupons.

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Heiden (US 6,408,286) discloses a postage printing system having a digital coupon distribution system.

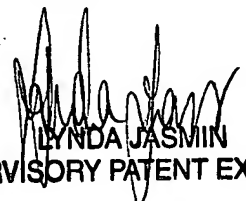
Kobayashi et al. (US 7093130) discloses a system and method for delivering and examining digital tickets.

Khosla (US 5884277) discloses a process for issuing coupons for goods or services to purchases at non-secure terminals.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry M. Henry whose telephone number is 571-270-5102. The examiner can normally be reached on Monday through Friday from 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on 571-270-3033. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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10/15/07
SUPERVISORY PATENT EXAMINER